

CALIFORNIA COASTAL COMMISSION

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Wed 15a

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REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-02-015

Applicant: Louis and Linda Schooler

Agents: Dale Steffen
 Walt Crampton

Description: Construction of approximately 439 sq. ft. one-story bedroom and entry way additions to an existing approximately 1,812 sq. ft. one-story single-family residence, demolish existing approximately 482 sq. ft. garage and construct approximately 834 sq. ft. garage on an approximately 9,072 sq. ft. blufftop lot.

Lot Area	9,072 sq. ft.
Building Coverage	3,085 sq. ft. (34%)
Pavement Coverage	623 sq. ft. (7%)
Landscape Coverage	5,364 sq. ft. (59%)
Zoning	Medium Residential
Plan Designation	Medium Residential
Ht abv fin grade	15 ½ feet

Site: 629 Circle Drive, Solana Beach, San Diego County
 APN No. 263-021-04

STAFF NOTES:

Summary of Staff's Preliminary Recommendation: Staff is recommending approval of the proposed development with special conditions addressing future development of the site, the assumption of all risk associated with the project and the elimination of any blufftop irrigation devices. The main issue raised by the project relates to proposed additions to an existing structure in a hazardous location. In this case, the existing residence is approximately 20 ft. inland of the blufftop edge, only half the distance of the typically required 40 ft. blufftop setback . The project

involves minor additions to the landward portions of the residence that will not increase the threat already posed by erosion to the existing structure. In addition, although the existing residence may be threatened by coastal erosion over its remaining lifetime, the proposed minor additions themselves will not contribute to the potential need for shoreline protection. The proposed changes to the structure are not extensive enough to warrant requiring the entire structure to be brought into conformity with Chapter 3 policies regarding development in hazardous locations.

Substantive File Documents: Certified County of San Diego Local Coastal Program (LCP); City of Solana Beach General Plan and Zoning Ordinance; Design Review Permit No. 17-01-32; "Report of Limited Geotechnical Investigation, Proposed Additions to Existing Residence, 629 West Circle Drive, Encinitas, Ca" by Geotechnics Incorporated dated August 25, 1992; "Geotechnical Update and Plan Review, Schooler Residence Additions, 629 Circle Drive, Solana Beach, California" by Geotechnics Incorporated dated October 16, 2001; "Coastal Bluff Stability Assessment, Schooler Residence, 629 Circle Drive, Solana Beach, California" by TerraCosta Consulting Group dated July 31, 2002; "Comments on Proposed Addition With Respect to Coastal Erosion, 629 Circle Drive, Solana Beach, California" by TerraCosta Consulting Group dated December 12, 2002; CDP #6-02-144-G/Steinberg.

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit No. 6-02-015 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially

lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Revised Final Plans. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, final site and building plans that have been approved by the City of Solana Beach and that substantially conform with the plans by Steffen Construction and Design dated 5/5/00, but shall be revised to include the following:

- a. Any existing permanent irrigation system located on the bluff top site shall be removed or capped and no new permanent irrigation system shall be installed.
- b. All runoff from the site shall be collected and directed away from the bluff edge towards the street.
- c. The existing residence and accessory improvements (i.e., decks, patios, walls, etc.) located on the site shall be detailed and drawn to scale on a surveyed site plan that is tied into stable monuments.

The permittee shall undertake the development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

2. Assumption of Risk, Waiver of Liability and Indemnity Agreement. By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from bluff collapse and erosion; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

3. Future Response to Erosion. If in the future the permittee seeks a coastal development permit to construct bluff or shoreline protective devices, the permittee shall include in the permit application information concerning alternatives to the proposed bluff or shoreline protection that will eliminate impacts to scenic visual resources, public access and recreation and shoreline processes. Alternatives shall include but not be limited to: relocation of portions of the principle structures that are threatened, structural underpinning, and other remedial measures capable of protecting the principal structures and providing reasonable use of the property, without constructing bluff or shoreline stabilization devices. The information concerning these alternatives must be sufficiently detailed to enable the Coastal Commission or the applicable certified local government to evaluate the feasibility of each alternative, and whether each alternative is capable of protecting existing structures that are in danger from erosion. No shoreline protective devices shall be constructed in order to protect ancillary improvements (patios, decks, fences, landscaping, etc.) located between the principal residential structures and the ocean.

4. Future Development. This permit is only for the development described in coastal development permit No. 6-02-15. Pursuant to Title 14 California Code of Regulations Section 13250(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(a) shall not apply. Accordingly, any future improvements to the existing single family residence other than those authorized by coastal development permit No. 6-02-15, including but not limited to repair and maintenance identified as requiring a permit in Public Resources Code section 30610(d) and Title 14 California Code of Regulations section 13252(a)-(b), shall require an amendment to permit No. 6-02-15 from the California Coastal Commission or shall require an additional coastal development permit from the California Coastal Commission or from the applicable certified local government.

5. Deed Restriction. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and approval, documentation demonstrating that the landowner has executed and recorded a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property (hereinafter referred to as the “Standard and Special Conditions”); and (2) imposing all Standard and Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the applicant’s entire parcel or parcels. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. The proposed development involves the construction of approximately 314 sq. ft. one-story, bedroom and 125 sq. ft. entry way additions to an existing approximately 1,812 sq. ft. one-story single-family residence, the demolition of an approximately 482 sq. ft. attached garage and construction of an approximately 834 sq. ft. garage on an approximately 9,072 sq. ft. blufftop lot. The resulting development will represent an approximately 35% increase of square footage over the existing residential structure and its attached garage. The existing residence was constructed in approximately 1957. Based on a review of Commission records, no previous requests have been submitted for development on the subject lot. However, the Executive Director has recently issued an emergency permit to an adjacent property owner to fill a “mole hole” that is located on the bluff face directly west of the subject lot on a portion of the bluff that is owned by either the California State Parks Department or the City of Encinitas (6-02-144-G/Steinberg). The emergency permit was issued to protect the residence on the north side of the subject site from the threat of imminent bluff failure. Based on a review of the geotechnical reports prepared for the subject application, the existing subject residence is vulnerable to future coastal erosion.

The project site is located on a blufftop lot at the northern end of Solana Beach, two lots south of the Cardiff State Beach south parking lot. The City of Solana Beach does not yet have a certified Local Coastal Program (LCP) and, therefore, Chapter 3 of the Coastal Act is the standard of review.

2. Improvements to Blufftop Structures. Section 30253 of the Coastal Act states, in part:

New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. . . .

In addition, Section 30253 of the Act states that, in part:

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. . . .

In addition, Section 30240(b) of the Act requires that:

Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

A. Blufftop Stability. Each of these sections are applicable to the Commission's review of new blufftop development and improvements to existing blufftop development such as that proposed. The policies are designed to assure that development in such hazardous locations and adjacent to parks and recreation areas, such as the public beach, are sited and designed to reduce risks and to prevent impacts which would significantly degrade those areas. In review of blufftop development subject to erosion or other geologic hazards, the Commission must assure any development which is approved will not contribute to the destruction of the site or the surrounding area, in this case the adjacent public parkland comprised of the bluffs and beach. Approved development must also be designed to prevent impacts to those areas. One means to assure such protection of public beach recreational areas is to assure, to the extent possible, that improvements or new development will not require protective devices that substantially alter the natural landforms along bluffs and adversely impact visual quality, coastal processes and public access along the shoreline.

The site of the proposed development is on top of an approximately 66 ft.-high coastal bluff area in the City of Solana Beach. Because of the natural process of continual bluff retreat, coastal bluffs in this area and at the subject site are considered a hazard area. Due to erosion below the subject property, an emergency permit was recently issued by the Executive Director to fill a "mole hole" sized bluff sloughage on the face of the bluff below the subject property which threatened the residence on the north side of the subject site (CDP #6-02-144-G/Steinberg). The subject applicant's geotechnical report identifies that this "circular 'mole hole' is an early precursor to a significant upper-bluff failure, which will impact the northerly portion of the rear yard of this [i.e., subject] property". In addition, the report identifies that "free-flowing 'clean sands' are present in the bluff face at this locality and will result in a significant upper-bluff failure in the not too distant future." (Coastal Bluff Stability Assessment by TerraCosta Consulting Group dated 7/31/02). Documentation has also been presented in past Commission actions concerning the unstable nature of the bluffs in this area of the coast (ref. CDP Nos. 6-87-391/Childs; 6-92-82/Victor, 6-92-212/Wood, 6-93-181/Steinberg, 6-97-165/Wood, Lucker; 6-98-148/City of Solana Beach; 6-99-91/Becker; 6-99-95/City of Solana Beach, 6-99-100/Presnell, et.al). In addition, since 1997, the Executive Director has approved approximately 40 emergency permits for shoreline protection along the Solana Beach shoreline. Clearly the potential exists for significant bluff retreat in this area.

In response to slope stability problems found in Solana Beach and Encinitas, in the past, the Commission typically required that all new development observe a minimum setback of 40 feet from the top of the bluff, with a reduction to 25 feet allowed subject to the

finding of a certified engineering geologist that bluff retreat will not occur to the extent that the principal permitted structure would be endangered within its economic life (75 years). However, due to the number of slope collapses in the area and, in the case of Solana Beach, the recent discovery of a mid-bluff layer of clean sands within the bluffs, the Commission has more recently required that a minimum 40-foot setback development be maintained in Solana Beach and Encinitas. In addition, the Commission has required a geologist's certification that bluff retreat will not occur to the extent that a seawall or other shoreline protective devices would be required to protect the new development within the economic life of the structure.

The existing residence is located as close as 20 feet inland of the edge of an approximately 66 ft.-high coastal bluff. The City's municipal code requires residential structures on blufftop lots be setback a minimum of 40 feet landward of the bluff edge unless an engineering geology report is prepared that certifies a setback of less than 40 feet (but not less than 25 feet) is adequate to assure the residence will be safe from erosion over an estimated 70 years. As stated, the Commission has more recently found that the appropriate setback for new development must be based on site-specific geologic stability analysis. A property owner, the City and the Commission can no longer assume a 40 ft. setback established in a zoning code is sufficient.

In light of more complete and up-to-date information, the Commission may require even greater setbacks for new development where site-specific conditions warrant. For example, the applicant's geotechnical report documents that the existing residence may be threatened over its remaining lifetime and that constructing a new residence on site would require a setback of approximately 75 feet from the bluff edge in order to assure the new development would not require the construction of shoreline protective devices over its 75 year lifetime. The applicant's geologic setback recommendation for new development is based on a combination of specific site slope stability analysis and an annualized erosion rate (Coastal Bluff Stability Assessment by TerraCosta Consulting Group dated 7/31/02).

As cited above, Section 30253 and 30240 of the Coastal Act requires new blufftop development to be sited and designed to minimize risks to life and property, to not require the construction of protective shoreline devices, and to prevent impacts which would significantly degrade parks and recreation areas, such as the adjacent beach and bluffs. In order to achieve those requirements, new blufftop development must be sited as far landward as possible to avoid the need for shoreline protection over its lifetime. However, in this case, the existing residence was constructed in approximately 1957. If the existing residence is threatened in the future, the Commission is required under Section 30235 of the Act to approve the construction of shoreline protective devices to protect the existing residence if it's also "designed to eliminate or mitigate adverse impacts to local sand supply". In the case of the subject development, however, the proposed additions will be constructed no closer than approximately 46 feet from the existing edge of the bluff and will, therefore, not significantly contribute to the need for shoreline protection at the subject site. Seaward portions of the existing residence would be threatened before the proposed additions are threatened.

Special Condition #1 has been attached which requires the applicants to submit final plans for the project that demonstrate that all runoff on the top of the bluff is collected and directed away from the bluff and that all permanent irrigation on the blufftop be removed or capped. In review of any development in a blufftop location, the Commission has required implementation of such measures to reduce risk and assure that overall site conditions which could adversely impact the stability of the bluff have been addressed.

Also, due to the inherent risk of developing on a eroding blufftop as documented by the applicants' geotechnical report, Special Condition #2 requires the applicant to waive any claim of liability against the Commission and to indemnify the Commission against damages that might result from the proposed development. Given that the applicants have chosen to construct the proposed additions despite these risks, the applicants must assume the risks. Only as conditioned can the proposed project be found consistent with Sections 30235, 30240 and 30253 of the Coastal Act.

The subject site is subject to erosion which may, overtime, threaten the existing structure and may result in a request for shoreline protection which would have an adverse impact on the surrounding natural bluffs and the adjacent beach. Special Condition #3 has been attached which requires the applicant to acknowledge that alternative measures which do not result in additional impacts to the adjacent public property must be analyzed and implemented, if feasible, on the applicants blufftop property should the need for further stabilization of the residence occur. With this condition (and recordation of the permit as a deed restriction as required pursuant to Special Condition #5), current and future property owners are put on notice that the site is in a hazardous location and measures on the subject property which would reduce risk to the principle residential structure should be considered, to provide stability and avoid further impacts to the adjacent public parkland.

Finally, Special Condition #4 has been attached which requires that a separate coastal development permit or amendment be approved for any future additions to the residence or other development as defined by the Coastal Act on the subject site. Requiring an amendment or new permit for all future development allows the Commission to insure that such development will not create or lead to the instability of the coastal bluffs, impacts to public access, adverse visual impacts or result in the construction or enlargement of the existing structure in a high risk area. Special Condition #5 requires the applicant to record a deed restriction imposing the conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the property. As conditioned, the proposed development is consistent with Sections 30235, 30240 and 30253 of the Coastal Act.

B. Retention of Structures in Hazardous Locations. The subject applicants propose to add approximately 439 sq. ft. to the existing approximately 1,812 sq. ft. one-story single-family residence, demolish an existing approximately 482 sq. ft. attached garage and construct a new approximately 834 sq. ft. attached garage. The applicants also

propose to perform limited interior improvements that include remodeling of two bathrooms, the removal of an interior wall within the master bedroom, remodeling of a hallway and construction of new headers in an existing sunroom, and replacement of some doors and windows. The existing residence could not be approved in its current location if it were new development because much of the structure is threatened by erosion during the expected life of the structure. However, all of the proposed additions and garage construction will occur to the landward-most portions of the structure. The interior improvements will also occur in the landward portions of the existing house at least 40 feet inland of the bluff edge. In addition, none of the interior improvements will involve an alteration to the existing foundation or removal or movement of bearing walls and, thus, substantial renovation of the existing structure is not proposed.

Section 30253 of the Coastal Act requires that new development be sited so it is safe so as not to require shoreline protection in the future which would result in adverse effects to the natural bluff and beach. The goal of Section 30253 is to avoid construction of upper and lower bluff stabilization devices that alter natural landforms and coastal processes. In the context of proposals to enlarge and reconstruct existing structures, the Commission has sometimes required those structures to be brought into conformity with shoreline hazards policies of the Coastal Act or certified LCPs. (Ref. A-6-LJS-99-160/Summit Resources). Also, in its recent action on the Malibu LCP, the Commission certified ordinances that identify when repair and maintenance or improvements to existing blufftop structures would not require the entire structure be brought into conformance with the certified standards for new development. These criteria include when there is no demolition and/or reconstruction that results in replacement of more than 50 percent of the existing structure, and when additions do not increase the size of the structure by more than 50 percent. In this instance, although much of the existing structure is in a location where the Commission could not now authorize new development due to the threat of shoreline erosion, the new additions and the changes to the existing structure are fairly minor in scope and meet the above stated criteria. The proposed development, therefore, does not warrant requiring the entire existing structure to be brought into conformity with Chapter 3 policies regarding shoreline development.

3. Runoff/Water Quality. Section 30231 of the Coastal Act requires that the biological productivity of coastal waters be maintained by, among other means, controlling runoff:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrapment, controlling runoff,

The proposed development will be located at the top of the bluffs overlooking the Pacific Ocean. As such, drainage and run-off from the development could potentially affect water quality of coastal waters as well as adversely affect the stability of the bluffs. The City's approval requires that all drainage from the development site, including run-off

from the roof, drain away from the bluff and towards Circle Drive. To reduce the risk associated with unattended running or broken irrigation systems, Special Condition #1 restricts the property owner from installing permanent irrigation devices and requires the removal or capping of any existing permanent irrigations systems. In addition, in order to protect coastal waters from the adverse effects of polluted runoff, the Commission has typically required that all runoff from impervious surfaces be directed through landscaping as filter mechanism prior to its discharge into the street. In this case, however, directing runoff into blufftop landscape areas could have an adverse effect on bluff stability by increasing the amount of ground water within the bluff material can lead to bluff failures. Therefore, in this case, reducing the potential for water to be retained on the site, will be more protective of coastal resources. The restriction on irrigation will minimize the amount of polluted runoff from the property to the extent feasible. Therefore, the Commission finds the proposed project consistent with Sections 30231 of the Coastal Act.

4. Visual Resources. Section 30251 of the Coastal Act requires that the scenic and visual qualities of coastal areas be protected:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

The subject development involves additions to an existing single-story blufftop residence. The proposed additions will occur on the landward side of the existing residence and the additions will not exceed the height of the existing structure. Although the existing development is visible from the beach below, the proposed additions will not likely be visible from the beach since views of the addition will be blocked by the existing residence and by the neighboring single-family homes. In addition, views across the site to the shoreline are not currently available. Therefore, it is not anticipated that the proposed development will have any adverse effect on scenic or visual resources such that the project is consistent with Section 30251 of the Coastal Act.

5. Public Access/Recreation. Section 30212 of the Coastal Act requires, in part:

- (a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:
 - (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,

(2) adequate access exists nearby, or, . . .

The subject site is located between the Pacific Ocean and the first public roadway, which in this case is Circle Drive. The project site is located within a developed single-family residential neighborhood. Adequate public access to the shoreline is currently available at Seaside Beach Park which is located less than ¼ mile north of the subject site and at the Tide Beach Park stairway located approximately 2 blocks south of the subject site. Therefore, vertical access through the site is not necessary nor warranted, given the fragile nature of the bluffs and the availability of public access nearby. As previously discussed, new development which would require the construction of shoreline protective devices over the lifetime of the development would be inconsistent with Section 30253 of the Coastal Act. Because shoreline protective devices such as seawalls are typically located on the public beach and adversely affect sand supply, public access would also adversely affected. However, in this case, the landward additions to the existing single-family residence will not themselves require the construction of shoreline protective structures. Based on the applicants' geotechnical report, shoreline protection may be required in the future to protect the existing residence which if threatened could be consistent with the Coastal Act. However, because the proposed additions will not themselves result in the need to construct shoreline devices, the proposed project will have no direct impact on public access, consistent with the public access policies of the Coastal Act.

6. Local Coastal Planning. Section 30604 (a) also requires that a coastal development permit shall be issued only if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. In this case, such a finding cannot be made.

The subject site was previously in the County of San Diego Local Coastal Program (LCP) jurisdiction, but is now within the boundaries of the City of Solana Beach. The City is currently preparing an LCP for submittal to the Commission for review.

In preparation of an LCP, the City of Solana Beach is faced with many of the same issues as the City of Encinitas, located immediately north of Solana Beach, whose LCP was certified by the Commission in March 1995. The City of Encinitas' LCP includes the intent to prepare a comprehensive plan to address the coastal bluff recession and shoreline erosion problems in the City. The plan will include at a minimum, bluff top setback requirements for new development and redevelopment; regulations for non-conforming structures, alternatives to shore/bluff protection such as beach sand replenishment, removal of threatened portions of a residence or the entire residence or underpinning existing structures; addressing bluff stability and the need for protective measures over the entire bluff (lower, mid and upper); impacts of shoreline structures on beach and sand area as well as mitigation for such impacts; impacts from groundwater and irrigation on bluff stability and visual impacts of necessary/required protective structures.

The bluffs in this section of the Solana Beach coastline are mostly in public ownership. Approval of blufftop development that results in substantial additions to existing nonconforming structures would send a signal that there is no need to address a range of non-structural alternatives to protect both the public bluffs and beaches and existing development such as those identified above. It would be premature to commit the entire Solana Beach shoreline to armoring without a thorough analysis of alternatives that include bringing nonconforming structures into conformity. Planning for comprehensive protective measures should include a combination of approaches including limits on future bluff development, ground and surface water controls, beach replenishment, continual lower bluff protection when required and constructed in substantial segments, groundwater control, and/or seacave and notch fills as preventative measures. Decisions regarding future bluff and shoreline protection must be done through a comprehensive planning effort that analyzes the impact of approving such protection on the entire City shoreline. These issues of shoreline planning will need to be addressed in a comprehensive manner in the future through the City's LCP certification process.

The City of Solana Beach is currently in the process of developing its LCP. In the case of the subject development, the minor landward additions to the existing residential structure have been found to be consistent with the Chapter 3 policies of the Coastal Act in that the proposed development will not result in substantial renovation of an existing structure within the geologic setback area such that, as a result of the proposed improvements, bluff and/or shoreline protection will likely be necessary in the future. The City's LCP will include ordinances to address these issues associated with improvements to existing nonconforming structures in order to meet the requirements of the Coastal Act. The Commission finds that approval of the proposed minor additions to the existing structure would not prejudice the ability of the City of Solana Beach to complete a certifiable local coastal program.

7. California Environmental Quality Act (CEQA). Section 13096 of the Commission's Code of Regulations requires Commission approval of coastal development permits to be supported by a finding showing the permit to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse effect that the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the future development, public access, and geologic stability policies of the Coastal Act. Mitigation measures, including restrictions addressing assumption of risk, future development and submittal of final project plans will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging

feasible alternative and is consistent with the requirements of the Coastal Act to conform to CEQA.

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.